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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Walter N. Bakly, Jr.
Serial No. 10/036,167
Filing Date: January 4, 2002
METHOD FOR APPLYING
RETROREFLECTIVE TARGET TO A
SURFACE

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REQUEST FOR RECONSIDERATION

Commissioner for Patents
Washington, D.C. 20231

Sir:

The undersigned hereby requests that the Patent and Trademark Office reconsider the decision of June 14, 2002 denying applicant's petition to grant the above-identified application a new filing date.

In a telephone conversation with Petitions Attorney Steven Brantley on June 24, 2002, the undersigned was advised that the information provided in the petition filed on February 15, 2002 was insufficient and that additional information would be required if the decision dismissing the petition is to be reconsidered. In this regard, the undersigned has enclosed a declaration setting forth the steps taken to deposit the application with the United States Postal Service on October 31, 2001.

In addition, the undersigned noted to Examiner Brantley there would be actual harm to the applicant (petitioner) in that there is a likelihood that a statutory bar would prevent applicant from pursuing the application. In particular, applicant has now advised the undersigned that a product incorporating the claimed invention was first ordered by a customer on November 15, 2000. Thus, the on-sale bar is in effect, denying applicant the

right to seek patent protection for his invention as a result of a third party action (the Postal Service's response to the anthrax emergency) if an earlier filing date is not granted.

For the reasons noted above, it is requested that the Patent and Trademark Office grant the aforementioned petition with the modification that the reassigned filing date be no later than November 10, 2001.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Irving Keschner', written over the typed name.

Irving Keschner
Attorney for Applicant
Reg. No. 24,547
July 3, 2002

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